

STATE OF MICHIGAN  
COURT OF APPEALS

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JASON DERRICK REID,

Defendant-Appellant.

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UNPUBLISHED

May 22, 2007

No. 268957

Ogemaw Circuit Court

LC No. 05-002473-FH

Before: White, P.J., and Saad and Murray, JJ.

PER CURIAM.

Defendant appeals as of right from a jury conviction of unlawfully driving away a motor vehicle, MCL 750.413, for which he was sentenced as an habitual offender, third offense, MCL 769.11, to a prison term of two to ten years. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant first contends that the trial court violated his right of confrontation by limiting his cross-examination of two prosecution witnesses who were involved in the offense.

A trial court's ruling regarding the admission of evidence is reviewed for an abuse of discretion. *People v Hine*, 467 Mich 242, 250; 650 NW2d 659 (2002). When the decision involves a constitutional question, it is reviewed de novo on appeal. *People v Beasley*, 239 Mich App 548, 557; 609 NW2d 581 (2000). "Whether a trial court has properly limited cross-examination is reviewed for an abuse of discretion." *People v Minor*, 213 Mich App 682, 684; 541 NW2d 576 (1995).

In all criminal trials, the defendant has a right to be confronted by witnesses against him. US Const, Am VI; Const 1963, art 1, § 20. "[T]he Confrontation Clause protects the defendant's right for a *reasonable* opportunity to test the truthfulness of a witness' testimony." *People v Ho*, 231 Mich App 178, 190; 585 NW2d 357 (1998) (emphasis in original). Thus, a defendant does not have "an unlimited right to cross-examine on any subject." *People v Canter*, 197 Mich App 550, 564; 496 NW2d 336 (1992). Further, "[c]ross-examination may be denied with respect to collateral matters bearing only on general credibility, as well as on irrelevant issues." *Id.* (citations omitted). However, "[a] limitation on cross-examination that prevents a defendant from placing before the jury facts from which bias, prejudice, or lack of credibility of a prosecution witness might be inferred constitutes denial of the constitutional right of confrontation." *People v Kelly*, 231 Mich App 627, 644; 588 NW2d 480 (1998).

While defendant's cross-examination of the witnesses may have been unduly restricted, defendant was not thereby prevented from challenging the credibility or bias of the witnesses. Nor does it appear that the outcome was affected by the limitation on cross-examination. We thus find no grounds for reversal.

Defendant also contends that the prosecutor improperly vouched for French's credibility by eliciting testimony that part of his plea agreement required him to testify truthfully against defendant. We disagree.

The prosecutor cannot vouch for the credibility of a witness or suggest that he has some special knowledge concerning a witness's truthfulness. *People v Bahoda*, 448 Mich 261, 276; 531 NW2d 659 (1995). This rule is not violated by a simple reference that a witness is testifying pursuant to a plea agreement requiring him to give truthful testimony, *id.*, unless the prosecutor uses it to suggest that the government had some special knowledge, not known to the jury, that the witness was testifying truthfully. *People v Enos*, 168 Mich App 490, 492; 425 NW2d 104 (1988). Defendant does not claim, and has not shown, that such is the case here and thus has not established error.

Affirmed.

/s/ Helene N. White  
/s/ Henry William Saad  
/s/ Christopher M. Murray